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Filing date: **06/23/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91188736
Party	Plaintiff Anastasia Beverly Hills, Inc.
Correspondence Address	JOHN M. MAY ANASTASIA BEVERLY HILLS, INC. 438 NORTH BEDFORD DRIVE BEVERLY HILLS, CA 90210 UNITED STATES Law@May.us,dchavez@dchavezlaw.com,raluca@anastasia.net
Submission	Other Motions/Papers
Filer's Name	John M May
Filer's e-mail	Law@May.us, daphneb@earthlink.net
Signature	/John M May/
Date	06/23/2010
Attachments	Notice-Sec8-BW-TIFF.pdf (5 pages)(77652 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ANASTASIA BEVERLY HILLS, INC.
ANASTASIA SOARE
ANASTASIA SKIN CARE, INC.

Plaintiffs/Opposers

v.

ANASTASIA MARIE LABORATORIES, INC.

Defendant/Applicant

Opposition No.

91188736

NOTICE RE FILING OF SECTION 8 DECLARATION

Not having yet received any substantive response to its Motion to Amend Registrations filed on 14 January 2010, Registrant filed a Declaration of Use/Excusable Nonuse in Registration 2798069 lest said Registration be canceled in its entirety under Section 8.

A copy of the filing receipt of said Declaration is attached. Further details may be found in the official file for said Registration.

Respectfully submitted

/John M May/
John M May
Attorney for OPPOSERS

Dated: June 23, 2010

John May, Attorney-at-Law
Berliner & Associates
555 W Fifth St
Los Angeles, CA 90013
(626) 355 4607
john@may.us

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this NOTICE RE FILING OF SECTION 8 DECLARATION is being served this date upon APPLICANT by email, by agreement, upon APPLICANT's counsel, at daphneb@earthlink.net.

/John M May/
John M May
Attorney for Opposers

Dated: June 23, 2010

We have received your Declaration of Use of Mark Under Section 8 for registration number '2798069'. A summary of your submission is listed below. If you determine that you made an error in the information you entered, **DO NOT** request any changes by e-mail, because the TEAS Support Team cannot make corrections. You may submit a new document and new fees, if time remains in the statutory period; however, the USPTO will not refund any fees paid as part of this current submission. For further information, please contact the Post Registration Division at (571) 272-9500, and ask to speak to an Affidavit Renewal Examiner. Or, see Chapter 1600 of the Trademark Manual of Examining Procedure, at <http://tess2.uspto.gov/tmdb/tmep/1600.htm>

REGISTRATION NUMBER: 2798069

REGISTRATION DATE: 12/23/2003

MARK: A ANASTASIA BEVERLY HILLS (stylized and/or with design)

The owner, ANASTASIA BEVERLY HILLS, INC., having an address of
438 BEDFORD DRIVE
BEVERLY HILLS, California 90210
United States

is filing a Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8.

For International Class 003, this filing does **NOT** cover the following goods or services for this specific class listed in the registration, and these goods or services are to be permanently **deleted** from the registration: Potpourri; bronzing liquid, nail polish, nail base coat, and nail top coat; facial cleansers, facial cleansing bars, facial toners, facial astringents, facial masques, facial exfoliators, body cream, body lotion, body powder, body moisturizers, body lotions, body toners, body astringents, and hand creams; body cleansing products, namely, creams, gels, and bar soaps; fragrance products, namely, perfume, eau de parfum, eau de toilette, eau de cologne, and fragranced creams, lotions, gels, bar body toners, and astringents; room fragrances

The mark is in use in commerce on or in connection with the following goods or services listed in the existing registration for this specific class; or, the owner is making the listed excusable nonuse claim: Cosmetics, namely, foundation, concealer, pressed powder, loose powder, eye shadow base, blush, eye shadows, mascara, eyeliners, lip coverings, lipstick, lip gloss, lip liners, eyebrow color pencils, eyebrow pencils, eyebrow powder, eyebrow pomade, eyebrow gel; skin care products, namely, facial moisturizers, eye creams, eye gels, eye-area moisturizers, eye-area gels, eye-area creams, facial serums. Excusable nonuse is claimed as to foundation, lipstick, lip gloss. These goods or services are not to be deleted from the registration.

The owner is submitting one specimen showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) Recently downloaded pages from websites of Registrant (Anastasia Beverly Hills) and one of Registrant's wholesale accounts (Nordstrom).
SPN0-38106941-210235407_._AABH_IC003.pdf

The following explanation of excusable nonuse has been made of record: Anastasia Beverly Hills branded foundation, lipstick, and lip gloss were being offered for sale in the Anastasia Beverly Hills salon as recently as 12 months ago (ie, subsequent to June 2009), and are being reformulated,

repackaged and/or market tested for nationwide sale within the next 12 months (ie, prior to June 2011). Mark is currently subject of a cancellation counterclaim in TTAB Opposition 91188736

For International Class 004, this filing does **not** cover this specific class. This entire class is to be permanently **deleted** from the registration.

For International Class 008, the mark is in use in commerce on or in connection with **all** goods or services listed in the existing registration for this specific class; or, the owner is making the listed excusable nonuse claim.

The owner is submitting one specimen showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) Recently downloaded pages from websites of Registrant (Anastasia Beverly Hills) and one of Registrant's wholesale accounts (Nordstrom).
SPN2-38106941-210235407_._AABH_IC008.pdf

For International Class 021, the mark is in use in commerce on or in connection with **all** goods or services listed in the existing registration for this specific class; or, the owner is making the listed excusable nonuse claim.

The owner is submitting one specimen showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) Recently downloaded pages from websites of Registrant (Anastasia Beverly Hills) and one of Registrant's wholesale accounts (Nordstrom).
SPN3-38106941-210235407_._AABH_IC021.pdf

The registrant hereby appoints John M May and Robert Berliner of BERLINER & ASSOCIATES
555 WEST FIFTH STREET
31ST FLOOR
LOS ANGELES, California 90013
United States

to file this Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8 on behalf of the registrant. The attorney docket/reference number is AB-001T/7915-105 (TM AABH).

A fee payment in the amount of \$600 will be submitted with the form, representing payment for 3 class(es), plus any additional grace period fee, if necessary.

Declaration Signature

Signature: /JohnMMay/ Date: 06/23/2010

Signatory's Name: John M May

Signatory's Position: Attorney of Record (California Bar)

NOTE: If you would like to suggest additions or changes to the design search codes assigned to your mark, please send an email to TMDesignCodeComments@USPTO.GOV (please include the registration number of your mark on ALL correspondence with the USPTO) or call 1-800-786-9199 to speak with a Customer Service Representative. No fee is necessary. The USPTO will review your request and update the record if appropriate. Design search codes are described on Internet Web page

<http://tess2.uspto.gov/tmdb/dscm/index.htm> You may review the USPTO-assigned design codes for your mark by retrieving current information about your mark in the TARR system at <http://tarr.uspto.gov/> and looking under "Additional Information."

Thank you,

The TEAS support team

Wed Jun 23 21:11:05 EDT 2010

STAMP: USPTO/SECT08-38.106.9.41-20100623211105767363-2798069-460e64ffc818722ad68903baef023cdd5f-CC-6383-20100623210235407331